

CITY COUNCIL MINUTES

October 12, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, October 12, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audio recordings of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll. Call the roll, please.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) members present, zero (0) absent, and nine members representing a quorum, I hereby declare this session of the Common Council officially opened.

PLEDGE OF ALLEGIANCE

I'll have Laura Windhorst lead us in the Pledge of Allegiance.

President Adams: Fellow Councilmen and those in the audience, welcome to the October 12th, 2015 meeting, which is meeting #19 of the year.

RECOGNITION OF SCHOOLS

Do we have any students in the audience that would need recognition? Stand up please.

TEEN ADVISORY COMMITTEE:

We do have some Teen Advisory. The young lady at my right here is Payton Schulteis; she's a junior at Day School. She's part of their illustrious Key Club and, for some odd reason that I can't understand, she loves chemistry. Thank you for joining us.

Councilman McGinn: I have a young man with me who's a 9th grader at Harrison High School; his name is Evan Lynch. He's a soccer player and a baseball pitcher, a bright student. I know his great grand...knew his great grandfather. His grandfather is one of my best friends. His father is a great young man who taught him to be a great bass fisherman just like the rest of his family so we welcome Evan Lynch from Harrison.

President Adams: Any others? I think that's it. Okay.

COUNCIL ATTORNEY

Council Attorney this evening is Scott Danks.

SERGEANT AT ARMS

Sergeant at Arms is Officer Porter. Thank you, sir, for joining us.

APPROVAL OF MINUTES

Is there a motion to approve the minutes of the September 14th and September 28th, 2015 meetings of the Common Council as written?

Councilwoman Mosby: So moved.

President Adams: Second?

Councilman O'Daniel: Second.

President Adams: Excuse me. There's a motion and a second. All those in favor? Opposed? So be it.

REPORTS AND COMMUNICATIONS

IN YOUR OCTOBER 8TH PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for October 12, 2015
- * August 2015 Financial Report
- * Evansville Redevelopment Commission Meeting Minutes from September 15, 2015

EMAILED MATERIAL:

- * City Council Meeting Minutes for September 14th and September 28th, 2015

ON YOUR DESK THIS EVENING:

- * Extended Agenda

President Adams: Is there a motion to receive, file and make these reports and communications a part of the minutes of the meeting?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So be it.

FIRST READING OF ORDINANCES AND RESOLUTIONS

C-2 & R-1 to C-2

Petitioner: Ready Development of Indiana, LLC
 Owners: Blankenberger Brothers, Inc.; Chong Soo Kim, M.D.; Cynthia
 Diprimio, Rita Folz & Angela Schockman; Robert C. & Angela H.
 Schockman
 Representative: Maria L. Bulkley, Esq.
 District: Dan McGinn, Ward 1

C-1 to C-4

Petitioner: Jamie M. Hubiak
 Owners: Laura K. Clements
 Representative: William A. Hubiak
 District: Connie Robinson, Ward 4

President Adams: We have a motion and a second. All those in favor? Opposed? So be it.

SECOND READING OF ZONING ORDINANCES

C-4 w/ UDC to C-2

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 11 affirmative votes.

ORDINANCE R-2015-23**APC****R-2 to R-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 600 & 607 E. Iowa Street

Petitioner: Pioneer Development Services, Inc.

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes and 1 abstention.

President Adams: Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. All those in favor? Against? So be it. Council now stands at Third Reading of Zoning Ordinances, which is a final action.

REGULAR AGENDA**THIRD READING OF ZONING ORDINANCES****ORDINANCE R-2015-22****APC****C-4 w/ UDC to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 419 Garfield Avenue

Petitioner: ECHO Housing Corporation

President Adams: Is there any further discussion on this? Is there a motion to adopt Ordinance R-2015-22?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. Roll call, please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2015-22 is hereby adopted.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-23

APC

R-2 to R-3

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 600 & 607 E. Iowa Street

Petitioner: Pioneer Development Services, Inc.

President Adams: Is there a motion to adopt Ordinance R-2015-23

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. Roll call, please. Sorry.

City Clerk Windhorst: That's okay.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2015-23 is hereby declared adopted.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-24

FINANCE

O'DANIEL

An Ordinance Fixing the Salaries of Every Appointive Officer, Employee, Deputy, Assistant, Departmental and Institutional Head of the City of Evansville and the Evansville - Vanderburgh County Levee Authority for the Year 2016 and Establishing Salary Administration Procedures

ORDINANCE G-2015-29

A.S.D.

ADAMS

An Ordinance Amending Title 17, the Subdivision Control Ordinance of the Evansville Municipal Code

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 11 affirmative votes.

RESOLUTION C-2015-14**FINANCE****O'DANIEL**

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Rehabilitation of Real Property and Installation of New Equipment at 2138 N. Sixth Street, Evansville, Indiana 47710 (IRD Group, Inc.)

RESOLUTION C-2015-16**FINANCE****O'DANIEL**

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and the Acquisition and Installation of New Equipment - Old Evansville Brewery Development, LLC ("OEBD") (120 N. Fulton Avenue, Evansville, Indiana)

RESOLUTION C-2015-17**FINANCE****O'DANIEL**

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Redevelopment of Real Property at 607 East Iowa Street, Evansville, Indiana - Carpenter Court, L.P. (c/o Pioneer Development Services, Inc.)

COMMITTEE REPORTS**A.S.D. COMMITTEE:****CHAIRWOMAN BRINKERHOFF-RILEY**

Chairwoman Brinkerhoff-Riley: Mister President, your A.S.D. Committee met this evening to hear ***Ordinances G-2015-22*** and that will be held until the Committee Meeting on November 9th, ***and G-2015-29***, comes forward with a do-pass recommendation.

FINANCE COMMITTEE:**CHAIRMAN O'DANIEL**

Chairman O'Daniel: Mister President, your Finance Committee met this evening to hear ***Resolutions C-2015-14, C-2015-16, C-2015-17 and Ordinances F-2015-16, F-2015-17 and G-2015-24***. The Resolutions ***C-2015-14, C-2015-16, and C-2015-17*** all would go forward with do-pass recommendations as would ***G-2015-24***. ***Ordinances F-2015-16*** and ***F-2015-17*** failed to get through Committee and actually ***F-2015-16*** was actually voted down. It was a no. The other will be held for possible amendments to October 26th.

President Adams: Do we vote on those last two for the Third...reconfirm the negative vote?

Councilman O'Daniel: Well they don't actually pass out of Committee and the budget...

President Adams: So it didn't. Yeah, okay; so we don't.

Councilman O'Daniel: They don't, yeah. So we won't...

President Adams: Is there a motion...

Councilman O'Daniel: It won't move forward to Second or Third Reading.

President Adams: Okay. Is there a motion to adopt the Committee Reports and move the Ordinances to a Third Reading?

Councilwoman Brinkerhoff-Riley: So moved.

Councilwoman Mosby: Second.

President Adams: I have a motion and a second. All those in favor? So ordered.

The Ordinance G-2015-22 has been deferred for two weeks.

The Ordinance G-2015-24 has to be re-voted on?

Councilman O'Daniel: That's the 1%, yes.

President Adams: Okay, I want to be sure I do this right.

The...okay, Ordinance G-2015-29.

Councilman O'Daniel: No, the 24...24 we need to vote on.

City Clerk Windhorst: We'll vote on 24.

President Adams: Did I skip 24? I apologize.

Councilman O'Daniel: That's quite alright.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-24

FINANCE

O'DANIEL

An Ordinance Fixing the Salaries of Every Appointive Officer, Employee, Deputy, Assistant, Departmental and Institutional Head of the City of Evansville and the Evansville - Vanderburgh County Levee Authority for the Year 2016 and Establishing Salary Administration Procedures

President Adams: Is there a motion to adopt G-2015-24?

Councilman Lindsey: So moved.

Councilman McGinn: Second.

President Adams: We have a motion and a second. Please call the roll.

Discourse before President Adams cast his vote.

President Adams: I vote nay and a...

Councilman O'Daniel: No.

President Adams: Five – four?

Councilman O'Daniel: You want...you want the 1% don't you?

President Adams: Well actually I don't. If I can't get the *(Inaudible)*...if I can reduce my salary then...

Councilman O'Daniel: This is...

President Adams: This is the only way I can reduce my salary, is it not?

Councilman O'Daniel: No, this isn't the elected officials; this is for the employees.

President Adams: Okay, I apologize. Okay, I vote aye. What does that come to?

Councilman O'Daniel: Six – three.

President Adams: Six – three? Okay.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Lindsey, Weaver, Adams

Nays: Brinkerhoff-Riley, Friend, O'Daniel

President Adams: There being six (6) ayes and three (3) nays, Ordinance G-2015-24 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-29

A.S.D.

ADAMS

An Ordinance Amending Title 17, the Subdivision Control Ordinance of the Evansville Municipal Code

President Adams: Is there a motion to adopt Ordinance G-2015-29?

Councilwoman Mosby: So moved.

Councilman Lindsey: Second.

President Adams: I hear a motion and a second. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance G-2015-29 is hereby declared adopted.

And we don't...we do not...we don't vote on this.

Councilman O'Daniel: 16 failed to get out of Committee.

President Adams: I'm sorry?

Councilman O'Daniel: 16...

President Adams: Yeah, it didn't come out of Committee, right.

Councilman O'Daniel: Neither did 17.

President Adams: And the next one didn't come out of Committee. Ordinance F-2015-17 did not come out of Committee.

Councilman O'Daniel: Correct.

President Adams: And so here we are on...six - three, yeah, go ahead. Sorry.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-14

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Rehabilitation of Real Property and Installation of New Equipment at 2138 N. Sixth Street, Evansville, Indiana 47710 (IRD Group, Inc.)

President Adams: Is there a motion to adopt Resolution C-2015-14?

Councilwoman Brinkerhoff-Riley: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. Could I have the roll call?

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Resolution C-2015-14 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-16

FINANCE

O'DANIEL

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and the Acquisition and Installation of New Equipment - Old Evansville Brewery Development, LLC ("OEBD") (120 N. Fulton Avenue, Evansville, Indiana)

President Adams: Is there a motion to adopt Resolution C-2015-16?

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Resolution C-2015-16 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-17

FINANCE

O'DANIEL

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Redevelopment of Real Property at 607 East Iowa Street, Evansville, Indiana - Carpenter Court, L.P. (c/o Pioneer Development Services, Inc.)

President Adams: Is there a motion to adopt Resolution C-2015-17?

Councilwoman Brinkerhoff-Riley: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. Roll call please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Resolution C-2015-17 is hereby declared adopted.

MISCELLANEOUS BUSINESS

The next meeting of the Common Council will be Monday, October 26th at 5:30. There are, at this point no...well there is...

Councilman O'Daniel: Can I suggest we start at 5:10 because I suspect there will be some additional budget issues and that will actually be on the agenda?

President Adams: Do you start the Common Council meeting at 5:10?

Councilman O'Daniel: Well the...no.

President Adams: Are we going...Committee Meeting.

Councilman O'Daniel: Committee Meeting...

President Adams: Yeah.

Councilman O'Daniel:...start at 5:10.

President Adams: Do we need a motion for that? Is that okay with everybody starting at 5:10?

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Adams: What?

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Adams: Is that early enough? We could meet at 4:30.

Okay, is there any...sorry. Is there any other miscellaneous business that anyone would like to discuss here in Council or from the crowd?

Councilman O'Daniel: And just for the record that Committee Meeting that we will be hearing is F-2015-17. That's the a...the budget.

President Adams: Would you like to speak, sir? Hopefully you'll not be asking the same questions over again.

Steve Ary: Thank you. I'm Steve Ary from 1249 John Street.

President Adams: How many questions do you have?

Steve Ary: I'm sorry?

President Adams: How many questions do you have?

Steve Ary: One, I think.

President Adams: Amazing.

Steve Ary: Is there anything in State statute or City ordinances that addresses the removal of any sitting Councilmembers who are charged or convicted of unethical, immoral, or any other unacceptable activities of personal misconduct?

President Adams: Well that's a legal issue and I'm not privy to make that kind of statement. Sorry.

Councilwoman Brinkerhoff-Riley: There are.

President Adams: Ask me about a heart. I can...

Councilman O'Daniel: If you're convicted on a felony...if you're convicted of a felony I think you have to remove your seat at the next...

City Council Attorney Danks: You're disqualified.

Councilman O'Daniel: Disqualified for running again but I don't know if you have to vacate your seat.

Councilwoman Brinkerhoff-Riley: The State legislature can take up your impeachment. I mean there's a...there's...a felony would make you unqualified for office under statute and the State legislature is always free to evaluate behavior and act at their level with certain triggering events that are defined by a variety of statutes.

Steve Ary: Okay, thank you.

President Adams: Okay? Thank you so much, sir.

Okay, Committee Reports. A.S.D?

Councilman Lindsey: A...

Councilwoman Brinkerhoff-Riley: I'm A.S.D.

Councilman Lindsey: Nothing at this time. No, you're A.S.D. I'm a...

President Adams: Public Works.

Councilman Lindsey: Public Works, sorry.

President Adams: Okay, sorry.

Councilman Lindsey: Public Works has nothing.

President Adams: A.S.D.

Councilwoman Brinkerhoff-Riley: A.S.D. as well has nothing. I could have let him say that.

President Adams: However, Finance...

Councilman O'Daniel: 5:10, 26th, we'll talk about the budget. That's F-2015-17.

ADJOURNMENT

President Adams: Is there a motion for adjournment?

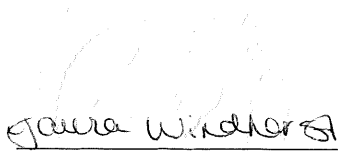
Councilman O'Daniel: So moved.


Councilman McGinn: Second.

Unidentified Speakers: *(Off Mic)* Aye.

President Adams: Voice? Yeah, aye. Go for it.

Meeting adjourned at 6:53 p.m.



Laura Windhorst, City Clerk

H. Dan Adams, M.D., President